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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 April 2002 at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

later: Mr. LEWALTER (Germany)
(Vice-Chairperson)

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* Items which the Commission has decided to consider together.

The meeting was called to order at 10.10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/2002/17 and 172)

Situation of human rights in Colombia (E/CN.4/2002/17 and 172)

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing her report on the human rights situation in Colombia (E/CN.4/2002/17), said that, having made two visits to Colombia as High Commissioner, she took a strong personal interest both in the serious human rights situation and in the committed work carried out there by her local office.

2. In order to facilitate dialogue with the Government, the Office of the High Commissioner for Human Rights (OHCHR) had transmitted to the authorities a confidential mid-year report on the human rights situation there, thus permitting the discussion of the OHCHR recommendations and proposals and the assumption of a series of commitments by the State which would be evaluated in the next year's report. She wished to underline, in particular, the important steps taken by such institutions as the Office of the Ombudsman and the Constitutional Court in the protection of human rights.

3. She was pleased to announce that the mandate of her local office had been extended until April 2003 by an exchange of letters between OHCHR and the Government of Colombia. The same letters had allowed OHCHR to open two new sub-offices in Cali and Medellín. She greatly welcomed the extension and the support shown by national and regional authorities for the opening of the sub-offices.

4. Over the past year, her Office had redoubled its efforts to attend to the human rights concerns of Colombians, strengthen its presence in the different regions of the country, advise civil society and raise awareness about human rights and international humanitarian law. In performing its functions, it had received 1,414 complaints and carried out 164 field visits. It also continued to provide legal advice and participated in numerous seminars and workshops. In the area of technical cooperation, it had trained 70 prosecutors, 380 municipal personeros and 55 advisers from the Office of the Public Defender.

5. Turning to the general situation in Colombia, she said that, against the background of the renewed international focus on terrorism, and the forthcoming presidential elections, the main challenge could be defined as the future of the rule of law, which was in grave jeopardy as a result of the continuing armed conflict, the escalation of violence, the application of the National Security and Defence Act, the lack of a proper administration of justice and the burgeoning paramilitary threat. While acknowledging the efforts undertaken in the peace talks by the Government and civil society, she continued to be deeply concerned about the deteriorating human rights situation and the recurrent and grave breaches of international humanitarian law.

6. Many of the violations took place in the context of the continued armed conflict. The recent discontinuation of the peace talks between the Government and the Revolutionary Armed Forces of Colombia (FARC) and the consequent escalation of the armed conflict were disappointing. Her report analysed the evolution of the armed conflict within the context of

those developments. She had urged and would continue to urge all parties to adopt a comprehensive agreement to uphold human rights and international humanitarian law. It was unfortunate that, to date, the parties had not responded.

7. She was deeply concerned about the lack of results in addressing human rights protection, including the lack of effective follow-up to international recommendations. Her Office had observed at first hand the weakening capacity of the State and its institutions to address human rights concerns. As the armed conflict expanded and became prolonged, the State had been increasingly absent from numerous regions of the country, aggravating problems of legitimacy, governance and respect for the rule of law. On the other hand, the Government was strengthening the military to the detriment of civil institutions. That was reflected in the adoption and implementation of the National Security and Defence Act, particularly in what had become known as "theatres of operation" and in the context of anti-terrorism strategies. The result was the subordination of the civilian authority to the military, the undermining of the rule of law and the violation of human rights. She welcomed the recent ruling of the Constitutional Court declaring the Act unconstitutional, on the grounds that it violated the international human rights standards that Colombia was bound to uphold.

8. The report registered the constant expansion and consolidation of paramilitary groups, which were amongst the main violators of human rights, and noted their persistent links with public servants and security forces. That compromised the State and demonstrated its weakness in effectively combating the phenomenon. The statement by the Chairperson of the Commission at its fifty-seventh session had contained specific recommendations to the Government regarding the paramilitary challenge. Little had changed, however.

9. In the same vein, she was deeply disturbed by paramilitary claims that a significant number of those recently elected to Congress represented paramilitary groups. Even more worrying was the fact that a significant segment of society had come to view paramilitarism as a legitimate option, while certain political candidates appeared to condone paramilitary activities, as demonstrated by the proposal put forward by one of the main candidates to arm a million civilians. The international community must repudiate any attempt to draw the civilian population into the conflict or any other expression of support for violence.

10. The report documented cases of recent kidnapping of members of Congress, elected members of municipal authorities and other politicians, including a presidential candidate. She deeply deplored the more recent attack on another presidential candidate. Such acts completely undermined democracy and the free exercise of political rights. The report reiterated her concerns over the administration of justice and impunity. The problem was exemplified by the recent change of institutional policy in the Office of the Attorney-General, which had resulted in the undermining of the independence of its investigators when they pursued cases involving alleged human rights violations committed by State agents. The situation of persons deprived of their liberty was also one of particular concern.

11. The report showed her continuing concern at the worsening scale and complexity of forced displacement in the country, the critical situation of human rights defenders, union leaders, journalists and academics and the lack of effective remedies to prevent abuse and protect victims. She was also concerned about the situation of women and children and of vulnerable

groups, such as the indigenous and Afro-Colombian communities. In that context, she drew attention to the recommendations contained in the reports of the Special Rapporteur on violence against women (E/CN.4/2002/83/Add.3) and the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2002/106/Add.2).

12. Colombians would soon have the opportunity to contribute to the strengthening of democracy, when they elected their next President. The future Government must adopt measures showing a serious commitment to respect for the rule of law.

13. She invited both the current and the incoming Governments to pursue the dialogue and cooperation with her Office more effectively, so that the people of Colombia could fully benefit from its mandate. She thanked the Governments that were contributing financially to her Office's work in Colombia and renewed her appeal to all Member States to provide OHCHR with the necessary financial resources to enable it to undertake its multiple activities. She wished to reiterate that she and her Office would remain at the disposal of the Government and people of Colombia in their search for an end to violent conflict and for respect for human rights throughout the country.

14. Mr. BELL LEMUS (Observer for Colombia) responding to the report, said that his Government shared the High Commissioner's concerns. The presence of OHCHR in Colombia helped the country to work with the international community to overcome a problem that had built up over many years. His Government had taken a number of steps to deal with the situation but they had not been sufficient and had not achieved the hoped-for results.

15. The High Commissioner, who was well aware of his Government's and people's support for her work, had rightly stated that "many of the acts falling within the Office's purview do not come to light for years". The result was that her report contained inaccuracies and significant omissions. It was essential that the international organizations should understand the complex reality in Colombia. His Government had been completely open to international scrutiny; it recognized the difficult situation and had made every effort, within its limited capacity, to implement recommendations made by multilateral bodies. It was regrettable therefore that the report persisted in repeating old stereotypes. Far from being contextualized and balanced, in a way that would help to strengthen State institutions and legitimacy, it repeated, for example, the assertion that the security forces committed human rights violations, as though isolated acts committed by individuals constituted a systematic State practice. His Government's respect for the rule of law was such that the guilt or innocence of those accused could not be established without due process.

16. The Government's launch of its "struggle against impunity" strategy proved that it had the political will to tackle the situation by setting up a system to protect trial participants, train officials, introduce alternative forms of conflict resolution with participation from civil society and establish a communication network to disseminate human rights information. Another important aspect of the strategy was the establishment of a dialogue between the State, the families of victims and civil society organizations, in which OHCHR had participated and on several occasions provided constructive proposals regarding ways of resolving specific problems.

17. Colombia had made a commitment, following the World Conference on Human Rights, to elaborate and implement the National Plan of Action for Human Rights. Despite difficulties in implementing the Plan, it had been possible to identify, systematize and assess the main elements of the work done by the State with human rights organizations and to map the future. Equally significant was the commitment made by the Intersectoral Human Rights Commission to the trade unions that cases of human rights violations suffered by trade unionists would be investigated. Work had been done, with contributions from the Ministry of Labour, the Deputy President's Office and workers' representatives, to find ways and means of clarifying the details of such crimes.

18. Such examples demonstrated the Government's determination to tackle the problems facing the country. It was regrettable that the High Commissioner's representatives in Colombia had frequently failed to attend the meetings involved, contrary to what was implied in the report.

19. The report's conclusions were, on the one hand, an encouragement to his Government to step up its efforts for the protection of human rights. On the other hand, however, it had to deny that State agents were responsible for the deterioration in the human rights situation. That was a simplistic judgement that overlooked the many efforts that a historically weak State had made in the face of a complex reality largely arising out of factors which, like drug trafficking, had their origin beyond its borders. The dismissive attitude to the action taken against impunity and corruption, not to mention his Government's efforts to lower poverty levels, generate employment and provide acceptable levels of security took no account of the terrible effects of terrorism, closely involved with drug trafficking, that forced the State to concentrate its physical, financial and technological resources on dealing with illegal, armed groups.

20. The Government's main strategy for improving the human rights situation was to establish peace. A political solution to the armed conflict would be more effective than any legal reforms. The international community knew the immense efforts being made to bring that about. Both parties had to agree, however, and FARC had escalated the war and increased its attacks on the civil population and the infrastructure. That crucial factor was neither understood nor appreciated in the report. Indeed, it was barely mentioned.

21. The National Liberation Army (ELN), for example, had behaved quite differently in the peace negotiations from the way it was described in the report. The resumption of dialogue with the guerrilla group, after three months' suspension, had given rise to an intense round of meetings to explore alternatives to give a new impetus to the peace process. The result had been an agreement, signed on 24 November 2001, in which the parties stated their intention to continue the search for a political resolution to the conflict.

22. At the same time, there had been considerable progress in economic and social rights, despite all the difficulties. For example, the Families in Action Programme had provided health and education grants to 26,926 families and the Employment in Action Programme had, to date, approved over 2,500 projects benefiting over 100,000 people. Rural education had also been improved: during 2002, 330,000 children and young people in rural areas, as well as 85,000 adults, had achieved access to education through a programme currently covering 94 municipalities. Of those children, 176,000 were first-time pupils.

23. As for the persons displaced by the violence, his Government had, in 2001, introduced legislation to enable the Social Solidarity Network to improve its humanitarian programmes and use its limited resources more efficiently. A programme to help municipalities affected by political violence had benefited 12,245 households. A resettlement programme, including income generating projects, had helped 14,500 households. The food security programme had provided 227,000 people with 31.6 million daily rations over the past two years.

24. Such figures should encourage OHCHR to be more objective in its future reports and enable the international community to support the State in its efforts at improvement, as well as helping the High Commissioner's Office to undertake any future action.

25. It was a crucial time in the history of Colombia. A democracy under siege from a violent minority, it had just elected a new Congress and was shortly to elect a new Government. What the authorities sought above all was greater understanding of the conflict and therefore of the limitations placed on a State confronted with barbarism and terror. They sought cooperation which, without stinting criticism, would strengthen the country's legal and institutional system and were determined to defend Colombian society and save its democracy.

26. Ms. GERVAIS-VIDRICAIRE (Canada), having expressed her delegation's strong support for the High Commissioner's Office in Bogotá, urged the Colombian Government to implement all the recommendations in the report. Indeed, it was in favour of the submission of an interim report to the General Assembly.

27. Her delegation was deeply concerned at the escalation of war and the deteriorating human rights situation. It condemned the increasing number of attacks against civilians, especially human rights defenders, trade unionists and prominent community leaders, particularly Archbishop Duarte Cancino. It also condemned the recent assassinations and kidnappings of members of Congress and of a presidential candidate, Ingrid Betancourt. All armed groups should respect international humanitarian law, stop the forced displacement of civilians and respect the will of the Colombian people, as expressed through the democratic process.

28. Her delegation condemned attacks on the civilian infrastructure that violated international humanitarian law. While recognizing the Government's efforts to combat paramilitaries and to stop impunity, she urged it to make greater efforts to sever any remaining links between State forces and the paramilitaries, and to ensure that any officials against whom credible allegations were made were suspended while thorough investigations were carried out. Where such allegations were proved, the officials in question should be dismissed and subjected to criminal trial.

29. Her delegation strongly supported the important efforts made by the President to seek a negotiated end to the internal conflict and was dismayed that his efforts had been unsuccessful. The only viable solution was a political, negotiated end to the conflict. The signing of a humanitarian accord was a vital first step towards future peace agreements.

30. Mr. PÉREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the Union endorsed the recommendations contained in the High Commissioner's report and called on the Government of Colombia to put them into practice. It supported the President's efforts to seek the end of the conflict through dialogue and negotiation. It took note of the Government's efforts to hold elections and condemned the threats, attacks, kidnappings and assassinations of candidates and of other persons engaged in peaceful political activities by paramilitary and guerrilla groups. It condemned all acts of terrorism and other criminal acts committed by illegally armed groups, which should comply with international humanitarian law and respect the national authorities and the legitimate exercise of the population's human rights. The Government should adopt efficient measures to eradicate paramilitarism by, inter alia, credible criminal investigations and prosecutions to bring the perpetrators to justice.

31. Despite some evidence of improvement, human rights violations and breaches of international humanitarian law were still being committed by members of the armed and security forces. The Union called on the Government to ensure that all such cases were prosecuted in civilian courts. The Government should also respect the decision of the Constitutional Court declaring the National Security and Defence Act unconstitutional and adjust all national legislation accordingly.

32. The Union strongly condemned the abuses of human rights committed against all who worked towards justice and respect for human rights, particularly the assassination of Archbishop Duarte Cancino. The Government should continue adopting adequate measures to protect those at risk and bring to justice those responsible for human rights violations and other crimes. The programme for the protection of all persons engaged in human rights defence should be strengthened.

33. The parties in conflict should respect the identity and integrity of indigenous communities and minorities and the Government should adopt measures for the efficient protection of members of the threatened indigenous and Afro-Colombian communities.

34. The Union urged the Government to provide the necessary protection and assistance to internally displaced persons, whose numbers were increasing, and guarantee their return in safe conditions. It should also implement the recommendations contained in the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2002/95) and those of other international institutions and non-governmental organizations (NGOs).

35. While supporting the Government's efforts to give priority to the promotion and protection of human rights, it appealed to the current and the incoming authorities to continue intensifying cooperation with the High Commissioner's Office in Bogotá.

36. Ms. AULA (Franciscans International), speaking also on behalf of the International Federation for Human Rights, the World Organization Against Torture and Dominicans for Justice and Peace, said she supported the recommendations contained in the report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2002/106/Add.2), who had, together with the Special Rapporteur on violence against women, recently paid a visit

to Colombia, and expressed concern regarding the human rights situation there, particularly for human rights defenders. The Government must make a real commitment to their protection. There was clear evidence of links between the paramilitary groups and the Colombian military. Peasants, indigenous people in the conflict areas, political leaders, journalists, trade unionists and human rights defenders were subjected to constant threats and persecution. In 2001, over 10 per cent of the urgent appeals by the World Organization Against Torture had related to Colombia.

37. The Government should immediately implement the ruling by the Constitutional Court concerning the unconstitutionality of the National Security and Defence Act, comply fully and immediately with the recommendations contained in the three reports relating to Colombia before the Commission; and issue a standing invitation to the mechanisms of the Commission to visit Colombia, giving them free access to institutions, communities and individuals. The report of the High Commissioner (E/CN.4/2002/17) should also be submitted to the General Assembly.

38. Ms. AVELLE (World Federation of Trade Unions (WFTU)) said that, two days previously, WFTU had been informed that a leading member of the Colombian Trade Union Confederation (CUT) and head of the Colombian Education Workers' Federation (FECODE) had been murdered by paramilitaries, who, as the international community well knew, acted with the cooperation of the Colombian armed forces. Indeed, a retired army officer had stated that the paramilitaries constituted the sixth Army Division, in addition to the five legal Divisions. In 2001, 166 trade-unionists had been killed and in 2002, so far, 51. CUT had stated that, during the past 15 years, more than 3,800 of its activists had been murdered. No one at all had been punished.

39. State terrorism had been practised for many years, despite Colombia being a so-called democracy. The persecution of workers had been constant and methodical. Trade unionists were regarded as dangerous and their names appeared on the army lists for summary execution. The killings were sometimes delegated to the paramilitaries, many of whom were serving or retired army officers. A man who had witnessed police officers helping paramilitaries had later been savagely tortured and killed. A commission of inquiry should be dispatched to Colombia and the international community should act to end the blood bath engulfing the Colombian trade union movement.

40. Ms. MACKENZIE (Amnesty International) said she was concerned that Government attempts to retake the demilitarized zone following the collapse of the peace talks with FARC would lead to a further deterioration of the already extremely grave human rights crisis. Even before the collapse, the conflict had spread to previously unaffected areas and both sides continued to disregard human rights standards. The civilians in the conflict zones were the main victims of the violence. Over 80 per cent of non-combat killings were allegedly carried out by paramilitaries in collusion with the security forces. The paramilitary forces had, in fact, expanded in size and increased their area of operations although some 400 of them had been arrested by August 2001.

41. The new National Security and Defence Act granted judicial police powers to the security forces in certain circumstances and could be used to cover up human rights violations by them or their paramilitary allies. Armed opposition groups had ignored calls to respect

international humanitarian law; guerrilla forces continued to be responsible for kidnappings and arbitrary and deliberate killings of civilians as well as indiscriminate attacks on military targets that had resulted in numerous civilian casualties.

42. It was important that the international community should send a strong signal to the incoming Colombian Government that it must implement the OHCHR recommendations. Consequently, the Commission should urge the Colombian Government to implement existing recommendations and support the strengthening of the mandate of the High Commissioner's Office in Bogotá, call on both sides to reach a humanitarian agreement and request the Colombian Government to guarantee access to conflict areas by human rights and humanitarian agencies.

43. Mr. ZOLLER (International Service for Human Rights) said that the situation in Colombia had continued to deteriorate since the Commission's last session. None of the parties to the conflict respected international humanitarian law and the civilian population was suffering terribly. The extreme right targeted all sectors of society and was responsible for growing numbers of kidnappings, executions and massacres, the paramilitaries operated openly, were represented in Congress and had growing power because no one opposed them. Those responsible for the violence enjoyed impunity. Without the presence of the High Commissioner's local office, however, the situation would be even worse. That Office must be strengthened and the High Commissioner should also submit an interim report thereon to the General Assembly.

44. The draft Chairperson's statement currently being circulated was inadequate; it should condemn the paramilitaries and require that the authorities implement the numerous recommendations made by United Nations organs, which had been ignored. The Commission should also strongly support the Constitutional Court, which had just declared unconstitutional the National Security and Defence Act, lest the judges become victims of the paramilitaries and those who supported them.

45. Ms. LOPEZ ORTIZ (Colombian Commission of Jurists) said that the Commission must act firmly in the face of the escalating crisis in Colombia. The National Security and Defence Act, that had recently been declared unconstitutional, was an attempt to legalize the increasing militarization of the country. Despite that ruling, the Government was trying to introduce similar measures.

46. Between June 2000 and June 2001, some 20 persons were killed or disappeared every day, mainly as a result of acts attributable to paramilitary groups acting with the support of State agents, the guerrillas being responsible for some 15 per cent of such cases. In 2001, there had been more than 3,000 kidnappings: 60 per cent by the guerrillas, 10 per cent by the paramilitary groups and 30 per cent by common criminals. More than 300,000 persons had been forcibly displaced; at least 14 human rights defenders, including indigenous leaders, and 164 union leaders had been assassinated; many others had been forced into exile. Over 60 per cent of the population enjoyed very little protection of their economic, social and cultural rights.

47. The Government of Colombia had no real policy to deal with the crisis. It was not dealing with the issue of impunity and the Attorney-General's Office often tried to cover up human rights violations. The Government's reluctance to develop a serious human rights policy and deal with paramilitaries largely explained the breakdown in the peace talks with FARC, which was also guilty of persistent human rights violations.

48. Colombia was a country suffering from the atrocities committed by paramilitary groups and guerrillas but it was above all a society whose Government promoted policies that permitted human rights violations to be carried out with impunity. The Commission should therefore ask the High Commissioner to submit a report on Colombia to the General Assembly and thus help to require prompt implementation of its recommendations.

49. Mr. GUZMAN (International Commission of Jurists) paid tribute to the courage and professional integrity of the judges of the Constitutional Court of Colombia in declaring unconstitutional the National Security and Defence Act, but expressed concern at the announced intention of the Ministry of Defence to re-edit the Act and called on the Government of Colombia to respect the Court's decision and guarantee the safety of the judges. He also expressed grave concern at proposed constitutional reforms that would abolish the Constitutional Court. In 1997, the Human Rights Committee had expressed grave concern at a similar proposal.

50. The anti-terrorist measures introduced in Congress at the end of 2001 were also a source of grave concern. They contained definitions of terrorist acts so vague that they would criminalize legitimate acts of social and political opposition. They would also create citizens security units and thus legalize the paramilitary groups. They also contained provisions on the censorship of the press and would allow the armed forces to conduct searches and detain people without a judicial order.

51. Given the grave human rights situation in Colombia and the failure to implement international recommendations, the Commission should call on the Government of Colombia to refrain from adopting legal measures which violated the rule of law and the country's international obligations. The High Commissioner should submit a report on the human rights situation in Colombia to the General Assembly at its next session.

52. Mr. ARZUAGA (International League for the Rights and Liberation of Peoples) said that recent counter-terrorism initiatives had had a deleterious effect on human rights: States, in the name of combating terrorism, were violating civil and political rights by classifying legitimate armed freedom movements as terrorist organizations and criminalizing opposition groups which operated within the law.

53. Such was the case in Colombia, where anti-terrorist legislation had been strengthened, rights and freedoms had been restricted and greater powers had been given to the police and the military. Such powers could be used to attack any political group or organization which opposed the current regime. Despite the fact that the National Security and Defence Act had been ruled unconstitutional, he noted that the Ministry of Defence had expressed its intention to adopt measures which incorporated many of the provisions of that Act.

54. More than 60 Colombian social organizations had called for a strengthening of the United Nations presence in Colombia through the appointment of a special rapporteur and had expressed support for negotiations and political initiatives to remedy the situation. Unfortunately, the Government had responded with constitutional, legal and institutional reforms aimed at giving the State special powers. Only social and political measures could offer hope for a real solution to the grave political conflict in Colombia.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (E/CN.4/2002/106 and Add.1 and 2)

55. Ms. JILANI (Special Representative of the Secretary-General on human rights defenders) said that, due to the time constraints faced by the Commission, it was impossible for her to provide a full introduction to her reports (E/CN.4/2002/106 and Add.1 and 2). She hoped that the situation, which was due to the exceptional circumstances of the current session, would not set a precedent. A written introduction to the reports would be made available to members of the Commission.

56. Mr. SHAGIVALIEV (Observer for Kyrgyzstan) said that the report on the situation of human rights defenders in his country (E/CN.4/2002/106/Add.1) provided an objective and sensitive analysis of the situation, and his Government would take into account the recommendations it contained. His country was undergoing a transition from a totalitarian regime to democratic republic, but it remained difficult to change attitudes. The Government attached great importance to the welfare of its citizens and recognized that progress had to be reflected not only in economic and social indicators but also in the rights and freedoms of individuals. The President had thus recently approved a series of decrees to address human rights issues; a National Human Rights Programme had been adopted and a body had been set up to monitor the activities of national mechanisms such as the Attorney-General's Office, to ensure full compliance with human rights legislation.

57. With regard to the alleged violations of human rights by law-enforcement officials, he drew attention to the fact that the Constitution and national legislation expressly prohibited persecution on political grounds. Human rights defenders had been prosecuted by the courts only for breaching the peace and for vandalism.

58. Over 3,000 non-governmental organizations (NGOs) operated in his country. Since independence in 1991, it had acceded to 27 international human rights instruments, illustrating its commitment to cooperate with the international organizations.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (continued) (E/CN.4/2002/80 and 81, E/CN.4/2002/82-E/CN.6/2002/6, E/CN.4/2002/83 and Add.1-3, 133, E/CN.4/2002/136-E/CN.6/2002/8 and E/CN.4/2002/173; E/CN.4/2002/NGO/2, 33, 34, 43, 60, 61, 80-83, 98, 99, 116, 119, 127, 149, 167, 201 and 202)

RIGHTS OF THE CHILD

(agenda item 13) (continued) (E/CN.4/2002/84-88 and 133; E/CN.4/2002/NGO/8, 12, 17, 33, 34, 44, 102, 108, 118, 168 and 202; CRC/C/103, 108 and 111; E/CN.4/Sub.2/2001/4; A/56/342-S/2001/852)

59. Ms. DEWES (Observer for New Zealand) said that the most comprehensive way of improving the lives of children was through the implementation of the Convention on the Rights of the Child and she urged all States to ratify it.

60. Children should be protected from disease and malnutrition and efforts should be made to ensure that appropriate health care was available. The importance of education could not be overestimated. Protecting children from exploitation, abuse and danger was also a priority. The views of children should be taken into account in decision-making processes.

61. The special session of the General Assembly on children was a key opportunity to prepare an action plan to address all those issues. Her delegation would focus on the particular needs of indigenous children, and on the provision of appropriate reproductive health services and information, as it was important to empower young people, particularly girl children, to make informed choices about their lives.

62. New Zealand had demonstrated its commitment to the rights of the child by ratifying International Labour Organization (ILO) Convention No. 182 on the worst forms of child labour and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Steps were being taken to ratify other key international instruments for the protection of children.

63. Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) would improve the lives of women and ensure that they enjoyed equal opportunities within society. All States should continue their efforts in that field; those that had not yet ratified CEDAW or its Optional Protocol should do so. Her Government was working alongside United Nations agencies and regional organizations to support the ratification by the Pacific Island Countries, and to help them with the report-writing process.

64. Her Government supported the efforts to promote gender mainstreaming into all United Nations policies and programmes, which had yielded some positive results. It was

regrettable that violent practices against women continued; many were based on cultural ideologies that contributed towards the marginalization of women. For that reason, her delegation would support the draft resolution on the elimination of violence against women.

65. Miss MAJALI (Observer for Jordan) said that measures were being adopted in her country to review national legislation so as to eliminate discrimination against women. In an unprecedented move, more than five laws had been amended in the course of the year. For example, the Personal Status Law had been rewritten to ease procedures for women in Shariah courts and to raise the age for marriage to 18 for both sexes. Three women senators and five women judges had been appointed, illustrating her Government's commitment to increasing the participation of women in public life.

66. The National Council for Family Affairs (NCFA) had been established to advise the Government on all issues related to the family. It would be proactive in the promotion and protection of the family and human rights. In 2000, the National Team for Family Safety had been established to protect women and children from domestic violence or abuse and to develop a unified national policy on preventing, managing and treating such cases. A child safety centre had also been opened offering rehabilitation and protection for abused or neglected children. The Queen had recently supported the establishment of a hotline for child victims of abuse.

67. With regard to the deteriorating situation in the occupied Palestinian territories, she said that it was impossible to assess the long-term psychological harm caused to Palestinian children by constant gunfire and the presence of a hostile army. Her delegation strongly condemned the gross violations of human rights and international humanitarian law in those territories and called on the international community to provide protection for the Palestinian people. Israel should respect and implement its international obligations including the Fourth Geneva Convention and the Convention on the Rights of the Child.

68. Ms. PONCINI (International Federation of University Women), speaking also on behalf of the International Federation of Business and Professional Women, International Council of Women, Zonta International, Brahma Kumaris World Spiritual University, World Union of Catholic Women's Organizations, Movement Against Racism and for Friendship Among Peoples, World Federation of Methodist and Uniting Church Women, International Council of Jewish Women, Women's International League for Peace and Freedom, Associated Country Women of the World and Soroptimist International, said she welcomed the steps taken by various United Nations bodies to mainstream the rights of women. A gender perspective was needed to recognize the intersection of gender with other forms of discrimination in all policies and programmes of action against racism, racial discrimination, xenophobia and related intolerance. Addressing the issue called for an integrated approach that focused on forms of multiple discrimination on grounds of gender, age, sexual orientation, disability, migrant status or socio-economic or other status.

69. Certain forms of racial discrimination were directed specifically at women, such as the stoning or sexual abuse of women from particular racial or ethnic groups, particularly during armed conflict. Other abuse targeting women included systematic rape, forced pregnancy,

sexual abuse and sexual slavery. Women did not always have access to remedies and complaint mechanisms because of gender-related impediments. The media had a critical role to play in focusing on human rights violations and respect for human dignity.

70. Different rights should be addressed using an holistic and integrated approach. The consequences of globalization and the feminization of poverty should be analysed from the conceptual frameworks of the rights to education, work and adequate standards of living, which were largely male-based models that failed to reflect the value of activities carried out by women. The fact that women were often unable to accumulate capital or obtain credit also needed to be addressed, together with the question of equal pay and the glass ceilings that prevented women from reaching top economic and political decision-making positions.

71. In many developing countries, tradition and inadequate legislation meant that women had unequal rights of access to land, property, inheritance and earnings. The organizations she represented fully supported the recommendations contained in the report by the Special Rapporteur on adequate housing (E/CN.4/2002/59), and endorsed his decision to undertake more substantive research into women's rights to housing, land and property. They also welcomed the emphasis placed in the report on gender discrimination.

72. The Special Rapporteur on education should address the issue of education from a woman's life course perspective, taking into account the need to educate girls as insurance for future generations and older women's rights to an active and productive ageing. Lastly, she called for the implementation of the unanimous decision by Governments to renew their commitment to the Beijing Platform for Action.

73. Ms. SCHOLZ (Human Rights Advocates Inc.), speaking also on behalf of the Coalition against Trafficking in Women, Movement for the Abolition of Prostitution, Pornography, All Forms of Sexual Violence and Sexist Discrimination (MAPP) and the French Coordination for the European Women's Lobby (CLEP), said that trafficking in women and children was a highly profitable business. Victims were treated as slaves and denied the most basic human rights. In the past, the international community had tackled trafficking by addressing the supply side of the problem by punishing traffickers, offering protection for victims and reducing the number of persons vulnerable to trafficking by improving economic conditions in impoverished areas. Such efforts were commendable and should be continued. However, the demand side of trafficking also needed to be addressed. Demand for commercial sex could not be separated from trafficking because it produced the large profits that motivated the traffickers.

74. The Protocol to prevent, suppress, and punish trafficking in persons, especially women and children was the first international legal instrument that called on States to reduce the demand that perpetuated trafficking. However, an additional 34 countries would have to ratify it before it could come into effect. She urged States to take action. Programmes to educate sex-trade users had helped to reduce demand in some areas.

75. A recent report by the United Nations High Commissioner for Refugees (UNHCR) had confirmed that United Nations staff members and governmental personnel had sexually abused women and children. The Commission should urge the United Nations and the Governments to take action to monitor and prevent future abuses and to prosecute those guilty of such offences.

76. Ms. RAS-WORK (Inter-African Committee on Traditional Practices Affecting the Health of Women and Children), said that violence against women was universal and that the issue was an even more challenging one when it involved a whole society which condoned it as a positive value, as in the case of female genital mutilation. Her organization welcomed the report by the Special Rapporteur on traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2001/27) which had shown that such practices continued to exist despite efforts by the specialized agencies and NGOs. Her organization called for monitoring to ensure the implementation of the Special Rapporteur's recommendations and for more funds and facilities to be made available to facilitate her work.

77. Mr. WONG (International Association for the Defence of Religious Liberty) said that street children in countries such as Brazil, Guatemala and Honduras were often detained in appalling prison conditions. Although the Honduran Government had begun to open juvenile detention centres in 1996/1997, further improvements were needed as the care at the centres had been deficient and repressive. A recent BBC documentary had shown the former Special Rapporteur on the question of torture visiting juvenile offenders institutes in Brazil where conditions fell far short of Brazil's commitments under the Convention on the Rights of the Child. There was also severe overcrowding in detention facilities in Mongolia, India and the Philippines. The Commission should urge Governments to improve conditions for juvenile detainees, and should put pressure on them to bring to justice those responsible for the murder of street children.

78. Ms. LOPEZ ORTIZ (Colombian Commission of Jurists) stressed the importance of the missions carried out by the Special Rapporteur on violence against women, its causes and consequences, to Sierra Leone and Colombia during 2001. Her two reports (E/CN.4/2002/83/Add.2 and Add.3) illustrated the fact that, in places where armed conflict raged, serious crimes were still being committed against women and, in many cases, such crimes went unnoticed.

79. The Special Rapporteur's report on Colombia described the violations committed against women as "serious and systematic" and impunity and denial of justice were among the factors contributing to an increase in the violation of human rights in general. The Special Rapporteur had also expressed her concern regarding the intimidation and persecution of rural, indigenous and Afro-Colombian women belonging to organizations fighting for better living conditions for their peoples in Colombia. States should be urged to comply with the Special Rapporteur's recommendations and make efforts to investigate violations.

80. Ms. SCHOLZ (Human Rights Advocates Inc.) commended the Commission on its concern regarding compliance with the prohibition of the juvenile death penalty and encouraged it to continue putting pressure on violating countries. Over the previous five years, there had been a major reduction in the number of countries executing juvenile offenders and there had only been three such executions in 2001, one each in Iran, Pakistan and the United States. Her organization called upon the Commission to support the Sub-Commission's contention that the prohibition of the juvenile death penalty was customary international law; to ask non-compliant countries to submit reports outlining efforts toward the prevention of juvenile executions; to

enquire about steps taken by Governments to ensure that federal States were in compliance with legislation prohibiting the death penalty and to obtain assurances from remaining countries that they would carry out no further executions of juveniles.

81. Ms. BOURKE (World Organization Against Torture (OMCT)) said she wished to draw the Commission's attention to the situation in Sudan and Nigeria where there had been recent cases of women being sentenced to corporal and capital punishment. In Chad, torture and other forms of violence against women in detention were reportedly widespread and there was a climate of impunity for the perpetrators of such violence. Her organization called upon the Commission to request the Government of Chad to take urgent measures to protect the human rights and dignity of detained women.

82. Her organization welcomed the General Assembly's request that the Secretary-General should conduct an in-depth study on violence against children and recommended that he appoint an independent expert to carry out the study as recommended by the Committee on the Rights of the Child. It saw the study as an opportunity to review the adequacy of the mandate and work of United Nations special procedures and mechanisms with the aim of finding new ways to address the phenomenon of violence against children. The study should also examine the relevancy of establishing a mandate for a special rapporteur on violence against children.

83. Ms. GEZELIUS (International Save the Children Alliance), said that corporal punishment was a fundamental breach of children's rights and a violation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Hitting children was also a dangerous practice which could cause physical and physiological injury or even death. A number of European States had already prohibited all corporal punishment and 12 African countries had introduced prohibition in schools, while 8 had prohibited its use in their penal system. She called on the Commission to continue to monitor the use of corporal punishment both in schools and at home, to encourage all treaty bodies to include consideration of the issue in their examination of States' reports and to encourage the OHCHR to consider developing and promoting technical assistance to States seeking to eradicate corporal punishment.

84. Ms. TUNDO (International Federation Terre des Hommes) said that child trafficking was on the increase and its perpetrators benefited from a juridical vacuum which meant that they were rarely punished. It welcomed the initiative by the European Union to harmonize the legislation of its member States regarding trafficking in human beings. A series of studies on child trafficking had revealed appalling facts: girls as young as eight were being trafficked from Nepal to India for prostitution and children were being trafficked to rural areas of Bolivia to work on plantations.

85. In October 2001, her organization had launched an international campaign to stop child trafficking including the repatriation of children. The campaign had also included an awareness-raising component, in both the countries of origin of trafficked children and the countries of destination. In all cases of child trafficking, it was important to punish the perpetrator and not the victim.

86. Ms. ZUHRA (International Human Rights Law Group) said that, over the last 23 years of armed conflict, the people of Afghanistan had suffered unprecedented hardships and Afghan women had faced additional discrimination due to their gender. Peace had at last been restored and girls were once again free to attend schools and women to go back to their jobs. Yet, despite the hopeful start, the women of Afghanistan still faced unprecedented challenges and had huge needs and she therefore urged the international community to continue providing assistance for reconstruction.

87. Security Council resolution 1325 (2002) called for the inclusion of women at the highest level in post-conflict reconstruction and at least 50 per cent of the seats in the Loya Jirga should be allocated to women. Women should also be fully involved in the drafting of the new Constitution.

88. She hoped that the future Government of Afghanistan would set an example by announcing a clear national policy outlawing all forms of violence against women, including domestic violence. She urged the interim Government to start the process of ratification of CEDAW and to adopt a clear policy providing equal rights to Afghan women, particularly widows returning to their family homes and claiming ownership of their family property.

89. Mr. LEGONOU (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, said that, for two years, the Franciscan Order had been running a project in Togo to assist the many girls working as domestic servants and porters there. The number of women and girls doing such work, which was very close to forced labour, had considerably increased in Togo. Girls working as domestic servants were often not paid a proper wage and, even if they were paid, the money went either to the person who had found them the position or to their family. The girls were often exploited and became victims of many types of abuse.

90. The Government of Togo had begun to take steps to protect the rights of children and was preparing a code on the protection of the child. The code would incorporate into Togolese law all the international conventions that the State had ratified. He encouraged the Government of Togo to adopt and apply the draft code; to draw up and implement a policy of social protection for children; to work more efficiently with NGOs in that field and to set up a mechanism for monitoring violations against female porters and domestic servants.

91. Mr. TAYLOR (International Association for Religious Freedom) said that the Convention on the Rights of the Child, like other international instruments, underlined the need to educate the new generation to respect those who belonged to a different race, nationality or religion. In an ever more pluralist society, children must be educated to accept pluralism. The terrible events of 11 September 2001 had highlighted the fact that there were extremist movements which opposed pluralism and made improper use of religion to promote intolerance and hatred to the point of rejecting or exterminating the other. Unfortunately, there were many forms of false religious education which gave expression to arrogance and hatred and were opposed to respect for the other's cultural identity and the promotion of the culture of dialogue.

92. Religious leaders should make a critical study of their positions and purify their teachings of any element contrary to the true spirit of their religion and to fundamental and universally recognized freedoms and rights. The Commission should make use of the final document of the

International Consultative Conference on School Education related to freedom of religion or belief, tolerance and non-discrimination, held in Madrid in November 2001, and should invite States to accept its recommendations.

93. Ms. PARKER (International Educational Development) said that her organization, which had focused on rape during armed conflict for over 10 years, deeply regretted Japan's continued obstinacy in response to attempts to secure compensation for victims of its war-time "sexual slavery" scheme. There were several other situations where the rape of women during armed conflict needed investigation, including Sri Lanka, Indian-occupied Kashmir and the Moluccas, and she urged the Special Rapporteur to investigate and formulate a model compensation scheme to be implemented by the United Nations.

94. Women and children had been among the most victimized in the long conflicts in Sudan and Uganda, with many being abducted or seriously abused, particularly by the Lord's Resistance Army (LRA). Her organization stressed the need for coordinated efforts between OHCHR and the United Nations Children's Fund (UNICEF) to locate abducted children and asked the Working Group on Contemporary Forms of Slavery and the Special Rapporteur on the situation of human rights in the Sudan to investigate the fraudulent "child and slave redemption" scheme.

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

95. Mr. MICHEL (Belgium), having thanked the High Commissioner for the valuable work she had done in the cause of human rights during the five years of her mandate, said that, in the face of growing human rights violations, increased violence, attacks on the rule of law and resurgent xenophobia, States, international organizations and NGOs, the private sector and citizens must develop a more integrated and comprehensive approach to democracy and human rights and the current approaches must be re-evaluated.

96. Human rights were at the centre of conflict prevention. Long-term conflict prevention required addressing the root causes of conflict, encouraging sustainable economic development and strengthening democracy. Inequality and discrimination must be overcome to guarantee each individual's right to development and to close the gap between the partners in the international community. The rule of law, freedom of the press and gender equality must be strengthened and reconstruction must be ensured in post-conflict situations, for example, by educational programmes for the child victims of armed conflicts.

97. Each State must have the institutional, material and political capacity to meet its citizen's needs. The developed countries must cooperate with the emerging democracies to that end. In the context of globalization, politicians and politics had been rendered less important by the power of the international financial markets. However, the power of communication, finance and technology made a strong role for the State even more important in order to ensure that the benefits of globalization were shared fairly, not only in the developing countries but also in the developed ones. He welcomed, for example, the New Partnership for Africa's Development (NEPAD) but stressed that, for that effort to succeed, conflict in Africa must cease and human rights must be respected there.

98. In the short term, conflict prevention measures included mechanisms such as missions of inquiry, mediation or use of observers. At times, as in Afghanistan, armed international intervention, under United Nations auspices and with a well-defined mandate, was sometimes necessary. The appalling situation in the Middle East required the attention of the international community. Only a political solution which satisfied the concerns of both parties, based on the Mitchell Programme, the Tenet Plan and the Oslo Agreements, could bring about peace. The international community must demand that both parties respect human rights and humanitarian law and accept an international presence for an initial period, followed by the organization of an international conference to seek a just and lasting peace. The High Commissioner for Human Rights should continue to report on the situation and the Commission should support efforts to relaunch the peace process. OHCHR, UNHCR and the International Committee of the Red Cross (ICRC) were at the heart of international humanitarian rights mechanisms and must, at all times, have free access to victims.

99. His Government and the European Union were acutely aware of the need to remain vigilant with regard to the human rights situation in their own countries and to be open to criticisms from other partners. The Commission must continue to investigate and denounce all human rights violations, wherever they occurred and whatever the alleged justification for them. The crimes of the past must not be forgotten, either, and that was why the Belgian Senate had organized a commission of inquiry into the assassination of Patrice Lumumba. His Government had apologized to the Lumumba family and to the Congolese people for the suffering inflicted upon them and had reaffirmed its support for the Democratic Republic of the Congo and for the efforts of the European Union to strengthen cooperation in the region. It had decided to fund a Patrice Lumumba Foundation in the Democratic Republic of the Congo to support projects involving conflict prevention, strengthening of the rule of law and training young people.

100. Turning to the Durban Declaration and Programme of Action, he urged the Commission to adopt a resolution calling for effective implementation of the Durban outcomes. Constant vigilance against racism must be maintained and his Government had recently acted decisively following some odious racist acts committed against a religious community as a result of the conflict in the Middle East. Racism and intolerance were based on a sense of self-centred superiority which, in its most fanatical form, called for the elimination of all who were different.

101. The international community's renewed commitment to the elimination of poverty, racism, intolerance and terrorism was a promising new development and all the necessary resources must be mobilized. Human rights and international humanitarian law must, however, be observed at all times because human rights protection was an essential part of international cooperation. The fight against terrorism must fully respect human rights and never be used as a pretext for limiting democracy.

102. The fight against impunity was a priority and his Government had adopted legislation giving judges universal competence to investigate grave human rights violations and genocide, based on the obligations arising out of the Geneva Conventions and their protocols. Belgian law also provided for implementation of the Convention on the Prevention and Punishment of the Crime of Genocide. Although Belgian legislation might have to be modified in some respects to

ensure full conformity with international law, the capacity of international law to evolve through the development of new standards or new jurisprudence should not be underestimated. The Belgian legislation was controversial, but it should not be forgotten that, although international law was often cited, it was not always respected.

103. He welcomed the imminent entry into force of the Rome Statute of the International Criminal Court, which would complement the responsibility of States for preventing and punishing the most serious crimes against the international community. By putting an end to impunity, the Court would strengthen the primacy of and respect for the law. It would act as a deterrent and contribute to the promotion of international law and human rights.

104. Trust in the Commission's commitment and the ability of the international community to be always on the side of right contributed to the authority of the international human rights standards and efforts to promote human dignity. All the members of the international community must therefore work together to develop universal, ethical criteria based on strong and fair values that were shared by all.

STATEMENT BY THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

105. Mr. STRAW (United Kingdom) said that, in his previous role as Home Secretary, he had sponsored the Human Rights Act through Parliament, bringing the European Convention on Human Rights into domestic law. He reaffirmed his Government's commitment to improving its domestic performance and to upholding human rights in all aspects of its foreign policy.

106. The rights enshrined in the Universal Declaration of Human Rights had not changed since its adoption in 1948 but the environment in which they were enjoyed and defended was constantly changing.

107. The tides were turning against those who denied people their basic rights. Tyrants like Slobodan Milosević and Jean Kambanda were no longer in power, but in prison. Democracy, human rights and the rule of law were being chosen over tyranny, oppression and the rule of fear. The forthcoming entry into force of the Rome Statute of the International Criminal Court would be a major stride towards the global application of the rule of law.

108. For decades, the international community had, through the Commission, confronted the human rights violations of dictatorial regimes. Increasingly, however, the countries that gave rise to concern were those where the State had too little power. Where poverty or conflict, oppression or plain neglect caused States to collapse, there could be no protection for human rights at all.

109. The key measure of a State's success was the extent to which it guaranteed the human rights of its population. Where human rights were ignored, criminals and terrorists thrived and regional and global security were at risk. The major task of modern foreign policy was to monitor adherence to human rights and the rule of law worldwide, i.e. to provide an early warning system for future crises.

110. Ethnic cleansing had threatened to destabilize all of South-East Europe in the early 1990s. The genocide in Rwanda still reverberated in the continuing conflict in the Great Lakes region. The events of 11 September 2001 had brought the chaos of Afghanistan to the heart of the Western world. In each of those cases, human rights abuses should have alerted the international community much sooner to the emerging security threats. The same applied to Iraq, where the appalling abuse of human rights had begun long before the invasion and annexation of Kuwait in 1990.

111. The struggle for human rights had to be a major part of the fight against terrorism. The international coalition's military action in Afghanistan had caused unease in some quarters, but there had been no alternative. A recent visit to Afghanistan had left him in no doubt that its action had brought about a dramatic improvement, not only in regional stability but in human rights.

112. Governments had to strike the right balance between their commitment to ensure freedom and their duty to provide security. Without security, no rights could be fully enjoyed. Combating terrorism, however, could not become a pretext for setting aside the human rights norms so painstakingly established over the last 50 years.

113. Israel had the right to defend itself against terrorism. It had suffered enormously, particularly from suicide bombs. But its military operations in the West Bank were unlikely to protect it from further attack, serving only to inflict suffering on the Palestinian people. It should withdraw its forces immediately and comply fully with the relevant Security Council resolutions and international humanitarian law.

114. Russia too had suffered from terrorist attacks. Chechen extremists had been linked to al-Qaeda. However, he urged Russia to ensure that all military action was in keeping with international standards.

115. Countries owed it to the international community to open their practices to inspection, including inspection by the United Nations special rapporteurs, as transparency and international scrutiny were among the best guarantees of human rights.

116. There were never any excuses for disregarding human rights. There were no cultural, religious or political reasons to explain why arbitrary arrest, torture or other ill-treatment might be more acceptable to some populations than to others. It was clear that a globalized world could not do without global values.

117. Countries with a good human rights record were better equipped to succeed in the global economy. Those which respected the rule of law at home tended to do so in their dealings with the rest of the world, and thereby gained respect as stable and predictable partners. In North Korea and Iraq, wholesale abuse of human rights went hand in hand with a near total isolation from the benefits of a globalized world. In China, remarkable economic progress had transformed the lives of millions of its citizens. But, until people were given the right to self-expression and political freedoms, their potential would not be fulfilled. China's treatment of dissidents and religious minorities, its use of the death penalty and torture, and its conduct in Tibet and elsewhere were a source of serious concern.

118. There was a growing global consensus that societies with open debate and transparent decision-making were more prosperous. Yet democracy, good governance and rule of law were not luxuries, they were the right of all people everywhere and human rights could not be enjoyed without them.

119. The erosion of the rule of law in Zimbabwe had led to an assault on human rights, an abuse of the electoral system and accelerating economic ruin. That was damaging not only to the citizens of Zimbabwe, but also to Africa's image at a time when its leaders were trying to win priority attention in international development cooperation. In view of the importance of the rule of law, donors should give a greater priority to strengthening judicial capacity in developing and transition countries.

120. The members of the Commission had a collective responsibility to make a positive difference to people's lives. If the Commission lost itself in stale polemics and gesture politics, it would risk damaging not only its reputation but also its effectiveness. His Government would use its influence, backed up with resources and practical programmes on the ground, to confront all forces that brought about human suffering. Human rights were not an optional extra; they were indispensable to security and prosperity.

121. Mr. HUSSAIN (Iraq), speaking in exercise of the right of reply to the statement by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, said he wondered why, if the United Kingdom belonged to the civilized world as it claimed, it was participating in an embargo against Iraq that had led to the deaths of 1.5 million people so far. The depleted uranium that had been used in Iraq had led to an increase in the number of cases of cancer.

122. The United Kingdom authorities talked about respect for international law, but they had been bombing Iraq since the early 1990s, causing the deaths of many Iraqis, and that action was outside the framework of international law or any Security Council resolutions. The current embargo was not only a crime against humanity but could also be described as a form of genocide, as reflected in several reports by human rights organizations.

The meeting rose at 1 p.m.